Remarks

At present claim 8 stands rejected under 35 U.S.C. § 112, first paragraph. Applicants' claims 14 and 15 stand rejected under 35 U.S.C. § 103 based upon the patent to Carlson (US Patent Number 6,697,849, issued February 24, 2004). Claims 1-13 and 16 stand rejected under 35 U.S.C. § 103 based upon the aforementioned patent to Carlson and in view of the patent to Becker et al. (US Patent Number 6,460,049, issued October 1, 2002). In light of the comments presented below, all of these rejections are respectfully traversed.

Attention is first directed to the Examiner's rejection of applicants' claim 8 under the first paragraph of 35 U.S.C. § 112. In this regard, it is noted that the Examiner asserts that the recitation that the log files are of the same length is a concept that was not described in applicants' specification. Applicants wholly and strenuously disagree with this assertion. In particular, the Examiner's attention is directed to lines 14-15 on page 3 of the submitted patent specification in which it is stated: "Additionally, it is noted that the length of the message associated with each log file entry is not required to be the same for each entry." It is a matter of unequivocal logic that the recitation concerning the length of the message associated with each log file entry as being not necessarily the same for each entry clearly contemplates and expresses the notion that it is possible that the length is indeed the same for each entry. For example, if one were to assert that all of the elephants in the zoo were not required to have the same food, it is certainly within the bounds of that statement that it is possible for all of the elephants in the zoo to have exactly the same food. An assertion of the lack of necessity for equality is per force an assertion that equality is contemplated; it is just that it is not required. An assertion that length equality is not required clearly contemplates the situation in which equality exists.

Furthermore, the Examiner's attention is directed to line 10 on page 7 of applicants' specification wherein it is indicated that log files can possess a maximum size. This is clearly consistent with the notion that all of the log file messages are of the same length. Accordingly, it is seen that the recitations found in applicants' claim 8 are well represented and described in

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applicants' specification in sufficient detail for those of ordinary skill in the art. Accordingly, it
is therefore respectfully requested that the rejection of applicants' claim 8 under the first
paragraph of 35 U.S.C. § 112 be withdrawn.

Next is considered the rejection of applicants' claims 14 and 15 under 35 U.S.C. § 103(a)
based upon the patent to Carlson. Before examining the detailed teachings found in the patent to
Carlson, it is worthwhile to consider the specific recitations found in applicants' claims 14 and
15. In particular these claims, particularly as amended, make reference to the receipt of a log file
entry having an importance level associated with it. Based upon this importance level, this log
file entry is stored in either a first or a second plurality of files. Furthermore, within each
plurality of files the logged entry is stored in a manner which preserves the log event history. In
particular it is seen that with respect to applicants' claims 14 and 15 with each log entry received
two decisions are made. First a decision is made based upon the importance level associated
with the log file entry to determine whether or not it is stored in either the first or the second
plurality of files. Then, in a manner to achieve log event history preservation a second decision
is made to store the log file entry into one of two pluralities of files. These are characteristics
found to be present in both of applicants' claims 14 and 15. However, as is seen below, they are
concepts which are absent from the teachings found in the patent to Carlson.

Accordingly, it is now appropriate to focus upon the specific teachings found in Carlson.
In particular, the Examiner refers to Carlson's recitation of a Message Type field specifying
either informational content, a warning content or an error content. In this regard, applicants'
attorney asks the question: "In terms of importance level, what is higher, a warning or an error?"
In the context of a data processing system, some errors are trivial; some warnings are essential.
The clear answer is that it depends on the context. Furthermore, with respect to the patent to
Carlson, there does not appear to be any clear context indicating an importance level. While the
three types listed might suggest the teachings of an importance level, the teachings really appear
to be solely directed to specifying a certain type, not an importance level. Type and importance

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level are different concepts. Furthermore, as the Examiner points out and readily admits, the teachings of Carlson are not in anyway directed to or suggest the utilization of a threshold level. With respect to the existence of a <u>mere three different types, it stretches the imagination to attempt to derive the concept of a threshold from the recitation of only three types</u>. Furthermore, it is the clear teaching of Carlson that with respect to warnings and information messages, these are not logged by the application log (column 38, lines 12-14).

Furthermore, <u>it is the clear and unequivocal teaching of Carlson that if there is any shifting whatsoever of log message entries from one destination to another the criteria is solely based upon time or space, not importance level</u>. In this regard, the Examiner is specifically directed to column 38, lines 28-31 wherein Carlson specifically states: "The buffer is written to the destination when either the buffer interval times out or the number of entries in the buffer exceeds the maximum number allowed." This is manner of operation entirely inconsistent with the operation of applicants' claimed invention. It ignores importance level and is not dynamic, that is, no decisions are made on a per message basis.

It is this aspect of Carlson, vis a vis the claimed invention, that is now elaborated upon in more detail. In particular, in applicants' claimed invention when a log file entry is received a decision is made. In fact, as pointed out above, several decisions are made. However, for the purposes of the present discussion the fact that more than one decision is made is not relevant. The relevant aspect here is the fact that in applicants' invention, a decision is made when each log file entry is received. Based upon this decision at that time, the log file entry is stored in one of several locations (first or second file pluralities based upon importance and one of a plurality of files based upon log event history preservation).

In contrast, the clear and unequivocal teachings of Carlson are that none of his decisions along these lines are made on a dynamic basis, that is on the basis of one log file entry at a time. Carlson clearly teaches that there are only two conditions which determine the ultimate location

for the storage of a log file entry. Those two conditions are the lapse of a certain amount of time and the unavailability of space. Furthermore, the decision to rotate out of an active logging status a particular file is made all at once after many messages have been logged. There are no one at a time decisions being made by Carlson. Furthermore, as pointed out above, even if Carlson were making decisions one log file entry at a time (and he is not) this decision would not be based upon exceeding an importance level threshold. Accordingly, it is seen that those of ordinary skill in the art having the patent to Carlson before them would not be lead to applicants' recited method, system or program product. It is therefore respectfully requested that the rejection of applicants' claims 14 and 15 under 35 U.S.C. § 103 based upon the patent to Carlson be withdrawn.

Attention is now directed to the rejection of applicants' claims 1-13 and claim 16 under 35 U.S.C. § 103 based upon the combination of the patent to Carlson in view of the patent to Becker et al. In this regard, it is noted that all of the comments presented above with respect to the teachings found in the patent to Carlson equally apply to the current rejection. In point of fact, they are even more applicable and cogent. In particular, with reference to applicants' claim 1, which is taken to be typical, it is noted that there is recited therein a recitation for a first file and a second file. Likewise, there is a further recitation to an alternate first file and an alternate second file. Accordingly, applicants' claim 1 makes reference to four distinct files. There is no teaching, disclosure or suggestion in the patent to Carlson that log entries should be stored in four files in accordance with the method recited in applicants' claim 1. Furthermore, as the Examiner has already admitted, the teachings of the patent to Carlson are devoid of reference to making decisions based upon an importance level exceeding a predetermined threshold. In this regard, the Examiner's attention is specifically directed to page 9 of the aforementioned Office Action in which the Examiner states: "Thus, instead of using attributes for categorizing the messages, obviously, a range of consecutive integer, and a predetermined threshold could be used to sort the message." This is nothing more than a hindsight reconstruction of applicants' claimed invention. As pointed out above, applicants' do not regard log message entry type attributes such

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as "message", "error" or "warning" to be logically orderable quantities. In particular, applicants'
attorney repeats the question as to whether or not a warning is more important than an error or
whether a message is more important than a warning. As described in the patent to Carlson,
these are not qualities which necessarily lend themselves to placement within a monotonically
ordered string (such as are the integers). Accordingly, it is seen that the Examiner, using
applicants' teachings, is on his own offering to convert the notion of an attribute to an
importance level. Furthermore, the Examiner makes the assumption that attributes are, first of
all, logically orderable entities. Furthermore, the Examiner makes the additional assumption
that, based upon an unspecified threshold value, a decision is made on the relative ranking of an
attribute (which is not susceptible to ranking) to determine where to store a log file entry
amongst a set of four files. Accordingly, even if the patent to Becker et al. could be logically
called upon to supplant this missing teaching in Carlson, there is no foundation outside of
applicants' specification for the use of any quantity as a mechanism for dynamically, one at a
time, storing log file messages in different places.

Furthermore, it is pointed out that anyone of ordinary skill in the art following the
teachings of the two cited patents would not in any way be lead to a structure in which there are
four distinct files present. There is no teaching in either of the cited patents for this number of
files. However, all of these four files are found recited in applicants' claim 1. Accordingly, it is
seen that, from this view as well, the teachings of the two cited patents fall short of teachings that
are found in applicants' claims. Accordingly, it is seen that the rejection of applicants' claims
1-13 and claim 16 under 35 U.S.C. § 103 is not well founded. It is therefore respectfully
requested that this rejection be withdrawn.

It is noted that the present response does not require the payment of any additional fees.
It is further noted that the present response is being made as of right.

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     No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicants have argued herein that such amendment was made to distinguish over a particular cited document or combination of documents.

     Accordingly, it is now seen that all of the applicants' claims are in condition for allowance. Therefore, early notification of the allowability of applicants' claims is earnestly solicited. Furthermore, if there are any other matters which the Examiner feels could be expeditiously considered and which would forward the prosecution of the instant application, applicants' attorney wishes to indicate his willingness to engage in any telephonic communication in furtherance of this objective. Accordingly, applicants' attorney may be reached for this purpose at the numbers provided below.

Respectfully Submitted,

Jan. 6, 2005
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